

EXHIBIT D

**STATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA**

CIVIL ACTION NUMBER 23SV00586

Lewis, Kameshia

PLAINTIFF

VS.

Burlington Coat Factory Warehouse
Corporation
Burlington Coat Factory of Georgia, LLC

DEFENDANTS

SUMMONS

TO: BURLINGTON COAT FACTORY WAREHOUSE CORPORATION

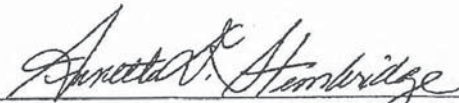
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

N. John Bey
Bey and Associates
191 Peachtree Street
Suite 3200
Atlanta, Georgia 30303

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 2nd day of June, 2023.

Clerk of State Court



Annetta D. Stembridge, Clerk
Douglas County, Georgia

FILED IN OFFICE
CLERK OF STATE COURT
DOUGLAS COUNTY, GEORGIA
23SV00586
BRIAN K. FORTNER
JUN 02, 2023 11:39 PM

IN THE STATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA


Annetta D. Stembridge, Clerk
Douglas County, Georgia

KAMESHIA LEWIS,

Plaintiff,

v.

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION and
BURLINGTON COAT FACTORY OF
GEORGIA, LLC,

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMAND

COMPLAINT

COMES NOW Plaintiff Kameshia Lewis ("Plaintiff") by and through counsel, and hereby files this Complaint against Defendants Burlington Coat Factory Warehouse Corporation and Defendant Burlington Coat Factory of Georgia, LLC, (collectively "Defendants"), showing the Court as follows:

PRELIMINARY STATEMENT

1.

This is a civil action seeking to hold Defendants liable for an incident that occurred on or around June 4, 2021, causing personal injuries to Plaintiff.

PARTIES AND JURISDICTION, AND VENUE

2.

Plaintiff Kameshia Lewis is a citizen of the State of Georgia and resides in the State of Georgia and is subject to the jurisdiction of this Court.

3.

Defendant Burlington Coat Factory Warehouse Corporation is a foreign profit corporation that is registered with the Secretary of State to do business in the State of Georgia and that owns, operates, and maintains a retail store known as "Burlington" which is located at 9552 Highway 5, Douglasville, Douglas County, Georgia 30135. Said Defendant may be served with a copy of the Summons and Complaint through its Georgia registered agent C T Corporation System, at 289 S Culver Street, Lawrenceville, Gwinnett County, Georgia 30046. When served, Defendant Burlington Coat Factory Warehouse Corporation will be subject to the venue and jurisdiction of this Honorable Court.

4.

Defendant Burlington Coat Factory of Georgia, LLC is a domestic limited liability company that is registered with the Secretary of State to do business in the State of Georgia and that owns, operates, and maintains a retail store known as "Burlington" which is located at 9552 Highway 5, Douglasville, Douglas County, Georgia 30135. Said Defendant may be served with a copy of the Summons and Complaint through its Georgia registered agent Corporation Service Company, at 40 Technology Parkway South, #300, Norcross, Gwinnett County, Georgia 30092. When served, Defendant Burlington Coat Factory of Georgia, LLC will be subject to the venue and jurisdiction of this Honorable Court.

5.

At all times relevant to the instant litigation, Defendants conducted business at its "Burlington" which is located at 9552 Highway 5, Douglasville, Douglas County, Georgia 30135.

6.

Defendants are subject to the jurisdiction of this Court because, at all relevant times hereto, it was licensed to do business in the State of Georgia, owned property and transacted business in the State of Georgia, and it is alleged herein to have committed a tort in Georgia causing damages in Georgia.

7.

Venue is proper in Douglas County, Georgia, pursuant to the Constitution of Georgia because the subject incident occurred in Douglas County, Georgia.

OPERATIVE FACTS

8.

At all relevant times in the instant litigation, Defendants owned, operated and maintained the premises located at 552 Highway 5, Douglasville, Douglas County, Georgia 30135 (hereinafter "Burlington").

9.

On or around June 4, 2021, Plaintiff was a legal invitee of Burlington because Plaintiff visited Burlington with the intent to browse and/or purchase items.

10.

Plaintiff browsed the aisles of Burlington which were lined with various merchandise, including patio furniture.

11.

The patio furniture was displayed on an aisle shelf, in a folded, stacked, vertical position, with a bracket supporting the furniture, towards the bottom of the shelving unit.

12.

As Plaintiff inspected the patio furniture, due to the weight of the furniture, the bracket securing the furniture on the shelf broke, and the stacked furniture slipped down the shelf, causing the furniture to impact Plaintiff's person, and thereby causing injury to Plaintiff.

13.

As a result, Plaintiff suffered injuries that required medical treatment.

COUNT I – NEGLIGENCE

14.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 13 above as if fully restated.

15.

Defendants owed Plaintiff a duty to exercise ordinary care in keeping the premises safe.

16.

Defendants breached their duty to exercise ordinary care in keeping the premises safe.

17.

Defendants knew or should have known that there was a hazardous condition on the premises.

18.

Defendants negligently placed the patio furniture merchandise in such a way that the bracket supporting the furniture was deficient and inadequate and gave way given the weight of the furniture, causing Plaintiff's injuries.

19.

Defendants failed to secure the merchandise in a way that would not cause harm to invitees.

20.

As a direct and proximate result of Defendants' negligence, Plaintiff suffered physical and emotional injuries, including bodily injuries that required medical treatment.

21.

As a direct and proximate result of Defendants' negligence, Plaintiff incurred medical expenses.

COUNT II – DAMAGES

22.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 21 above as if fully restated.

23.

As a result of Defendants' negligence, Plaintiff suffered injuries that necessitated medical treatment.

24.

As a result of Defendants' negligence, Plaintiff has a claim for past medical expenses.

25.

As a result of Defendants' negligence, Plaintiff has a claim for future medical expenses.

26.

As a result of Defendants' negligence, Plaintiff has a claim for past, present and future pain and suffering.

27.

As a result of Defendants' negligence, Plaintiff has a claim for emotional and mental pain and suffering.

WHEREFORE Plaintiff prays that she has a trial on all issues and judgement against Defendants as follows:

- a. That process and summons issue requiring Defendants to appear as provided by law and to answer the allegations of this Complaint.
- b. Trial by jury;
- c. Recovery for her past and future physical pain and suffering based on proof;
- d. Recovery for her past and future mental and emotional pain and suffering;
- e. Recovery of past general damages based on proof;
- f. Recovery of past special damages in the amount of Seventeen Thousand Five Hundred Twelve Dollars and 00/100 (\$17,512.00);
- g. Recovery for present and future medical, hospital, and other items of special damage based on proof;
- h. That all costs be cast against Defendants;
- i. Recovery for her loss of enjoyment of life; and
- j. For such other and further relief as the Court deems just and appropriate.

Respectfully submitted on this 2nd day of June, 2023.

BEY & ASSOCIATES LLC

/s/ Debora M. Blair
DEBORA M. BLAIR
Georgia Bar No. 650892
N. JOHN BEY
Georgia Bar No. 118279
Attorneys for Plaintiff

191 Peachtree Street NE, Suite 3200

Atlanta, GA 30303
Telephone: 404-344-4448
Facsimile: 404-393-6107
debora@beyandassociates.com
john@beyandassociates.com

General Civil and Domestic Relations Case Filing Information Form☐ Superior or ☒ State Court of Douglas County**For Clerk Use Only**Date Filed 06-02-2023Case Number 23SV00586

MM-DD-YYYY

Plaintiff(s)Lewis, Kameshia

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Plaintiff's Attorney Bey, N. John**Defendant(s)**Burlington Coat Factory Warehouse Corporation

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Burlington Coat Factory of Georgia, LLC

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Bar Number 118279Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

General Civil Cases

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contract
☐ Contempt/Modification/Other Post-Judgment
☐ Garnishment
☒ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Dissolution/Divorce/Separate Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.
- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.
- Language(s) Required
- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.